

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-11836-RCL

TRANS-SPEC TRUCK SERVICE, INC. )  
d/b/a TRUCK SERVICE, )  
Plaintiff )

vs. )

CATERPILLAR INC. )  
Defendant )

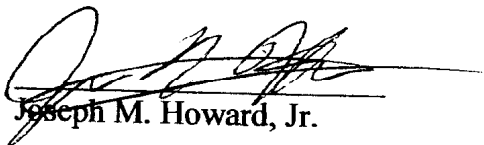
**AFFIDAVIT OF JOSEPH M. HOWARD, JR.,  
IN SUPPORT OF PLAINTIFF'S MOTION TO AMEND**

I, Joseph M. Howard, Jr., state:

1. I am the President of Trans-Spec Truck Service, d/b/a Truck Service ("Trans-Spec").
2. Trans-Spec initiated this litigation only after years of negotiation with Caterpillar Inc. ("Caterpillar") and its local agent and distributor, Southworth Milton, Inc. ("Milton"), failed to remedy its losses.
3. Trans-Spec declined to file suit during this time because it relied on assurances that Caterpillar would compensate it for the damages it suffered.
4. When Caterpillar repeatedly failed to make Trans-Spec whole for the damages it suffered, Trans-Spec reluctantly commenced this litigation on August 23, 2004.

SIGNED UNDER THE PENALTIES OF PERJURY THIS \_\_\_\_ DAY OF JUNE, 2005.

00922169

  
Joseph M. Howard, Jr.

